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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,669

03/29/2004

Noboru Ishibashi

118589

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25944 7590 06/30/2008

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EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

06/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,669	<b>Applicant(s)</b> ISHIBASHI ET AL.	
	<b>Examiner</b> TUAN C. TO	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 7-11 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 12 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/11/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 5, 6, 12, and 16 are rejected under 35 U.S.C. 102 (a) as being anticipated by Ikeda (US 20020174360A1).

Regarding claims 1, and 16, Ikeda discloses an ID assigning method (abstract), including the following:

recording, in a navigation apparatus, updated map data or a program that is only made usable by a release key from an information center, the navigation apparatus capable of performing route guidance based on recorded map data” (see paragraph 0163, and 0071);

recording, in the navigation apparatus (1), ID setting instructions (paragraph 0072, recording medium 9 records map information);

executing the ID setting instructions after the updated map data or program is recorded (figure 3, and paragraph 00164, the navigation system 1

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uses the updated programs received to rewrite the program and/or preset data stored in the ROM 11);

assigning a unique ID to the navigation apparatus (abstract, lines 4 and 5), wherein the unique ID is necessary to obtain the release key from the information center (paragraph 0203 and paragraph 0209);

and sending the unique ID to the information center (paragraph 0202);

and receiving the release key from the communication center (paragraph 0203).

As to claim 5, Ikeda further disclose the ID is created based on a parameter related to the apparatus (abstract).

As to claim 6, Ikeda further discloses that the parameter related to the navigation apparatus is a registered home location of the apparatus (paragraph 0098).

Regarding claim 12, Ikeda discloses an ID assigning method (abstract), including the act of recording, recording, in a navigation apparatus, updated map data or a program that is only made usable by a release key from an information center, the navigation apparatus capable of performing route guidance based on recorded map data” (see paragraph 0163, and 0071);

recording, in the navigation apparatus (1), ID setting instructions (paragraph 0072, recording medium 9 records map information); assigning a unique ID to the navigation apparatus (abstract, lines 4 and 5), wherein the unique ID is necessary to obtain the release key from the information center (paragraph 0203 and paragraph 0209);

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determining a date and time via the navigation system; determining a present position via the GPS (paragraph 0070);

executing the ID setting instructions after the updated map data or program is recorded (figure 3, and paragraph 00164, the navigation system 1 uses the updated programs received to rewrite the program and/or preset data stored in the ROM 11);

assigning a unique ID to the navigation apparatus (abstract, lines 4 and 5), wherein the unique ID is necessary to obtain the release key from the information center (paragraph 0203 and paragraph 0209);

and sending the unique ID to the information center (paragraph 0202);

and receiving the release key from the communication center (paragraph 0203).

### ***Response to Arguments***

In response to the applicant's amendment and remarks dated 3/21/2008, the 101 rejection has been withdrawn.

Claims 1, 5, 6, 12, and 16 were previously rejected under 35 U.S.C. 102 (a) as being anticipated by Ikeda (US 20020174360A1).

The art rejection as stated above cannot be withdrawn because the cited reference to Ikeda identically discloses each and every limitation of the claims.

First, Ikeda discloses the limitation "recording, in a navigation apparatus, updated map data or a program that is only made usable by a release key from an information center, the navigation apparatus capable of performing route guidance based on recorded map data" (see paragraph 0163, and 0071). The

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navigation apparatus of Ikeda, as described in details in paragraph 0071, is capable to display information on routes based on the map recorded on the medium (9), wherein the recording medium (9) can be composed of a disc, such as a CD-ROM, or DVD-ROM. Ikeda further teaches that an updated version has been produced for the map information recorded on the recording medium (9). In this situation, the service server (500), which is identified as information center of the navigation unit, transmits the content data which may a text message, to inform the user the availability of the new map information. The service server lately transmits the update program to the navigation system (1) corresponding to user's request.

Ikeda teaches the limitation "recording, in the navigation apparatus, ID setting instructions; executing the ID setting instructions after the updated map data or program is recorded". It is true. In Ikeda, the software stored on the recording medium (9) is used by the navigation system (1) can be updated through online communication without requiring user obtaining a medium that has an update program. The navigation system (1) uses the updated programs (software) received from the service server to rewrite the program and/or preset data stored in the ROM (11). It is fairly to understand, after the program is rewritten to ROM, the identification setting instructions has been executed.

Ikeda further teaches the limitation assigning a unique ID to the navigation apparatus (abstract, lines 4 and 5), wherein the unique ID is necessary to obtain the release key from the information center (paragraph 0203 and paragraph

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0209); and sending the unique ID to the information center (paragraph 0202); and receiving the release key from the communication center (paragraph 0203).

For that reason, the application is now set in a condition of final rejection.

### ***Conclusions***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Acting Examiner of Art Unit 3663/3600

June 17, 2008